

CAUSE NO. CC-17-05203-A

WILLIE BRENHAM

VS.

**TOMISLAV TRSTENJAK and
AAA FREIGHT INC.**

IN THE COUNTY COURT

AT LAW NO. _____

DALLAS COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE

NOW COMES Plaintiff, Willie Brenham, complaining of Defendants, Tomislav Trstenjak and AAA Freight, Inc., and for causes of action would respectfully show the Court as follows:

DISCOVERY LEVEL

Plaintiff affirmatively pleads that he seeks monetary relief in excess of \$100,000.00, but no more than \$200,000.00; excluding costs, pre-judgment interest, and attorney's fees. Discovery is to be conducted under Level 3, Tex. R. Civ. P. 190.4.

PARTIES

Plaintiff is an individual resident of Dallas County, Texas.

Defendant Tomislav Trstenjak is an individual resident of Pinellas County, Florida, who resides at 11773 8th Way, Apt. 2, St. Petersburg, FL 33716, and may be served with process through Tryon D. Lewis, Chair of the Texas Transportation Commission, at 125 E. 11th St., Austin, Texas 78701-2483.

Defendant AAA Freight, Inc. is an Illinois Corporation, whose registered agent is located at 11805 South Central Park Avenue, Merrionette Park, IL 60803 and may be served with citation through the Texas Secretary of State, John Steen, James E. Rudder Building, 1019 Brazos, Rm. 220, Austin, Texas 78701.

Defendant Tomislav Trstenjak as named in this petition is intended by Plaintiff to indicate the operator of the vehicle involved in the motor vehicle collision with Plaintiff on or about January 12, 2017 in Dallas County, Texas.

VENUE

Venue is proper in Dallas County, Texas; all or part of Plaintiff's cause of action arose here.

JURISDICTION

Plaintiff seeks damages above the jurisdictional minimum of this Court.

FACTS

On or about January 12, 2017, Plaintiff Willie Brenham was traveling southbound on Interstate 35 in the right lane and Defendant was 2 lanes over to the left. Defendant moved over 2 lanes and struck Plaintiff's vehicle and then proceeded to the exit ramp of Interstate 20, damaging Plaintiff's vehicle and inflicting injury upon Plaintiff. The collision and injuries to Plaintiff Willie Brenham were proximately caused by the negligence of Defendants Tomislav Trstenjak and AAA Freight, Inc. in the following respects:

- (a) Failure to keep a proper lookout;
- (b) Failure to maintain proper control of the vehicle;
- (c) Failure to sufficiently or properly apply brakes;
- (d) Failure to take proper evasive action to avoid a collision;
- (e) Failure to maintain an assured clear distance between the vehicles;
- (f) Traveling at a rate of speed that was excessive under the circumstances and conditions prevailing at the time of the collision; and
- (g) Driver inattention.

DAMAGES

As the result of Defendants' negligence, Plaintiff Willie Brenham suffered disabling bodily injuries. As the result of Defendants' negligence, Plaintiff has suffered severe pain, mental anguish, physical impairment, and a diminished capacity to pursue normal activities. Plaintiff's pain and suffering will, in all probability, continue for a long time into the future.

Plaintiff received reasonable and necessary medical treatment and health care for the injuries suffered in the collision and will likely continue to receive treatment in the future. As the result of Defendants' negligence, Plaintiff has incurred fair, reasonable, usual, and customary medical and health-care expenses for that treatment, and will likely incur additional medical expenses in the future.

PLAINTIFF'S REQUEST FOR DISCLOSURE

Pursuant to Rule 194, you are requested to disclose, within 50 days of service of this request,

the information or material described in Rule 194.2 (a - 1).

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff Willie Brenham prays that Defendants Tomislav Trstenjak and AAA Freight, Inc. be duly cited to appear and answer herein and that, upon final trial hereof, Plaintiff recover judgment against Defendants Tomislav Trstenjak and AAA Freight, Inc for his damages as set forth above; pre-judgment and post-judgment interest; costs of Court; and such other and further relief to which he may show himself justly entitled, whether at law or in equity.

Respectfully submitted,

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